

**PROCEEDINGS OF THE COMMON COUNCIL OF
THE CITY OF RICHMOND, INDIANA,
MONDAY, JUNE 16, 2008**

The Common Council of the City of Richmond, Indiana met in regular session Monday, June 16, 2008 in the Council Chambers in said City.

PLEDGE OF ALLEGIANCE

PRAYER BY COUNCILOR PAPPIN

President Parker presided and the following business was conducted:

ROLL CALL

Councilors present were Howard "Jack" Elstro, Kelley Cruse-Nicholson, Bruce Wissel, Clay Miller, Bing Welch, Larry Parker, Diana Pappin and Phil Quinn. Absent was Robert Goodwin.

High School Government students from Richmond and Centerville were in attendance.

APPROVAL OF MINUTES

Councilor Welch moved to approve the minutes of the meeting of June 2, 2008, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

**PRESENTATIONS, MEMORIALS OR REMONSTRANCES, PETITIONS AND INTRODUCTIONS,
MOTIONS, RESOLUTIONS**

RESOLUTION NO. 5-2008 – A RESOLUTION ALLOWING A LATE FILED STATEMENT OF BENEFITS FORM FOR A TAX ABATEMENT FOR SUNCALL AMERICA, INCORPORATED-ADI

The Clerk read Resolution No. 5-2008 by title only.

Presented by Tony Foster, Director of Metropolitan Development, this Resolution would allow a late filed tax abatement request from Suncall America, Inc. ADI and allow the approval of Ordinance No. 45-2008 which is a request of Suncall America, Inc. for a 10-year tax abatement for equipment valued at \$1,530,226.

Resolution No. 5-2008 was referred to the Tax Abatement Committee for due diligence.

RESOLUTION NO. 6-2008 – A RESOLUTION ALLOWING A LATE FILED STATEMENT OF BENEFITS FORM FOR A TAX ABATEMENT FOR SUNCALL AMERICA, INCORPORATED-ADI

The Clerk read Resolution No. 6-2008 by title only.

Presented by Mr. Foster, this Resolution would allow a late filed tax abatement request from Suncall America, Inc. ADI and allow the approval of Ordinance No. 46-2008 which is a request of Suncall America, Inc. for a 10-year tax abatement for real estate valued at \$4,981,105.

Resolution No. 6-2008 was referred to the Tax Abatement Committee for due diligence.

RESOLUTION NO. 7-2008 – A RESOLUTION OF THE CITY OF RICHMOND AUTHORIZING THE CITY OF RICHMOND PARKS AND RECREATION DEPARTMENT TO ENTER INTO AN ADVISED AGENCY ENDOWMENT FUND AGREEMENT BETWEEN WAYNE COUNTY, INDIANA, FOUNDATION, INC. AND THE CITY OF RICHMOND PARKS AND RECREATION DEPARTMENT

The Clerk read Resolution No. 7-2008 by title only.

Presented by Sonia Brock, Superintendent of the Department of Parks and Recreation, this Resolution would allow the City of Richmond Department of Parks and Recreation to transfer \$5,000 from the 219 fund which would establish an advised agency endowment fund in the Wayne County, Indiana, Foundation to be known as the Friends of Richmond Parks Fund.

Councilor Welch moved to adopt Resolution No. 7-2008, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

COMMUNICATION FROM THE MAYOR

- The Budget is being monitored very closely. To date, the City has only received draws totaling \$2 million.

REPORT FROM BOARD OF PUBLIC WORKS AND SAFETY

Minutes of the May 29 & June 5, 2008 meetings were accepted as presented.

REPORTS FROM DEPARTMENT HEADS, STANDING COMMITTEES, SPECIAL COMMITTEES and/or ORGANIZATIONS

MISCELLANEOUS BUSINESS

- Councilor Quinn stated the Glen Miller Park Lake is full of a curly leaf pond weed and the cost to kill this weed would be approximately \$800. Ms. Brock thinks it will be taken care of before the Model T Convention in July.
- Mr. Quinn also asked when a report will be made regarding the use of Police vehicles. The Mayor reported the decision will be made by July 1.
- Councilor Wissel would like to have a Council sub-committee meet with the Mayor and Department Heads during the budget process. President Parker will set this up.

ORDINANCES ON FIRST READING

Councilor Elstro moved to suspend the rules and read Ordinance Nos. 41, 43, 45, 46, 47, 48 & 49-2008 on first reading by title only, supported by Councilor Cruse-Nicholson. Upon a vote viva voce, the motion passed.

ORDINANCE NO. 41-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 ONE – EIGHT FAMILY RESIDENTIAL DISTRICT TO R-3 SPECIAL USE DISTRICT (103 South 4th Street)

The Clerk read Ordinance No. 41-2008 on first reading by title only.

Presented by Mr. Foster, this Ordinance is a petition to rezone the property at 103 South 4th Street from R-3 One-to-Eight Family Residence District to R-3 One-to-Eight Family Residence Special Use District in order to allow the owner to develop the front room of the residence as an office for a certified reflexologist.

Ordinance No. 41-2008 was referred to the Plan Commission for public hearing at its meeting on June 26, 2008.

ORDINANCE NO. 43-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 ONE – EIGHT FAMILY RESIDENTIAL DISTRICT TO R-3 SPECIAL USE DISTRICT *(2019 East Main Street)*

The Clerk read Ordinance No. 43-2008 on first reading by title only.

Presented by Mr. Foster, this Ordinance is a petition to rezone the property at 2019 East Main Street from R-3 One-to-Eight Family Residence District to R-3 One-to-Eight Family Residence Special Use District in order to allow the owner to develop the front room of the residence as an office for an accounting office.

Ordinance No. 43-2008 was referred to the Plan Commission for public hearing at its meeting on June 26, 2008.

ORDINANCE NO. 45-2008 – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C.6-1.1-12.1 *(Suncall America, Inc – ADI – equipment)*

The Clerk read Ordinance No. 45-2008 on first reading by title only.

Presented by Councilor Wissel, this Ordinance is a request of Suncall America, Inc. for a 10-year tax abatement for equipment valued at \$1,530,226.

Ordinance No. 45-2008 was referred to the Tax Abatement Committee for due diligence.

ORDINANCE NO. 46-2008 – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 *(Suncall America, Inc. – ADI – equipment)*

The Clerk read Ordinance No. 46-2008 on first reading by title only.

Presented by Mr. Foster, this Ordinance is a request of Suncall America, Inc. for a 10-year tax abatement for real estate valued at \$4,981,105.

Ordinance No. 46-2008 was referred to the Tax Abatement Committee for due diligence.

ORDINANCE NO. 47-2008 – AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 46-2007 KNOWN AS THE 2008 SALARY ORDINANCE *(Law)*

The Clerk read Ordinance No. 47-2008 on first reading by title only.

Presented by City Attorney, Walt Chidester, this Ordinance would increase the 2008 Law Department Budget by \$2,300. The line item for the Assistant City Attorney would be \$50,000.

Councilor Welch moved to advance Ordinance No. 47-2008 to second reading and to suspend the rules and read by title only, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 47-2008 on second reading by title only.

Council President Parker declared Ordinance No. 47-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 47-2008, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 47-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 47-2008 on third reading by title only.

Ordinance No. 47-2008 was adopted with an 8-0 roll call vote

ORDINANCE NO. 48-2008 – AN APPROPRIATION ORDINANCE AMENDING THE 2008 BUDGET
(Law)

The Clerk read Ordinance No. 48-2008 on first reading by title only.

Presented by Mr. Chidester, this Ordinance would transfer funds within the 2008 Law Department Budget.

Councilor Welch moved to advance Ordinance No. 48-2008 to second reading and to suspend the rules and read by title only, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 48-2008 on second reading by title only.

Council President Parker declared Ordinance No. 48-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 48-2008, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 48-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 48-2008 on third reading by title only.

Ordinance No. 48-2008 was adopted with an 8-0 roll call vote

ORDINANCE NO. 49-2008 – A GENERAL ORDINANCE AMENDING CHAPTER 96 OF RICHMOND CODE REGARDING THE USE OF STREETS AND SIDEWALKS

The Clerk read Ordinance No. 49-2008 on first reading by title only.

Presented by Mr. Foster, this Ordinance would amend Chapter 96 of the Richmond Municipal Code to establish the permitting process for special events and allow specified streetscape objects, limited sales of merchandise and seating to be placed on sidewalks which would bring aesthetic quality and livelihood to our public streets and sidewalks with restricted limitations.

Ordinance No. 49-2008 will be held until the July 7 meeting to allow time for interested parties to review and comment.

ORDINANCES ON SECOND READING

ORDINANCE NO. 27-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM M-1, LIGHT INDUSTRIAL DISTRICT, TO SPECIAL USE DISTRICT (308 NW “F” Street)

The Clerk read Ordinance No. 27-2008 on second reading by title only.

Presented by Tony Foster of Metropolitan Development, this Ordinance is a petition to rezone the property at 308 NW “F” Street from M-1 Light Industrial District to M-1 Special Use District in order to allow the owner to operate the property as a junkyard.

Council President Parker declared Ordinance No. 27-2008 on second reading and public hearing. George Sowers, attorney for the Petitioner, requested this Ordinance to be withdrawn.

Councilor Wissel moved to approve withdrawal, supported by Councilor Miller. The motion carried with a 6-2 vote *vive voce*. Dissenting were Councilors Elstro and Cruse-Nicholson.

ORDINANCE NO. 28-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM O-1, GREENBELT DISTRICT, TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT (*301 Greenbriar Drive*)

The Clerk read Ordinance No. 28-2008 on second reading by title only.

This Ordinance is a petition to rezone the property at 201 Greenbrier Drive (formerly known as the Hayes Arboretum Swim Club) from O-1 Greenbelt District to R-4 Multi-Family Residence District in order to allow the owner to develop the property for residential purposes.

Gordon Moore, representative of the Petitioner, in a letter, requested that this Ordinance be tabled to allow time for the plans for this project to be revamped.

Councilor Miller moved to table Ordinance No. 28-2008 until further notice, supported by Councilor Welch. Upon a vote *viva voce*, the motion passed.

ORDINANCE NO. 37-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 ONE-EIGHT FAMILY RESIDENTIAL DISTRICT TO R-3 SPECIAL USE DISTRICT (*2116 East Main Street*)

The Clerk read Ordinance No. 37-2008 on second reading by title only.

Presented by Mr. Foster, this Ordinance is a petition to rezone the property at 2116 East Main Street from R-3 One-to-Eight Family Residence District to R-3 One-to-Eight Family Residence Special Use District in order to allow the owner to develop the property as a bed and breakfast. The Richmond Plan Advisory Board recommended approval with the following commitments:

- The parking area must be developed to accommodate a minimum of 16 cars;
- Final parking arrangements must meet the approval of the Richmond Traffic Division, the Department of Public Works and Engineering and the Planning Office;
- An easement agreement must be in place allowing access from 2116 East Main Street to 2110 East Main Street if either of the properties were to be sold;
- A sign no larger than 2'x3' be allowed to be placed in the side yard a distance back from the right-of-way deemed by the Traffic Department to be considered safe for traffic;
- the sign may not be internally illuminated;
- a landscape plan for 2116 East Main which meets the Visual Enhancement guidelines and effectively screens the rear parking area shall be installed within six months of the passage of this ordinance;
- no stock in trade will be maintained on the site and no over-the-counter sales will be transacted;
- a valid license from the health department must be in place;
- any change of business plan that alters the nature of the business, particularly in regard to customer traffic, would require an amendment to the rezoning ordinance;

The project will need to be filed with the State of Indiana and would require a local Certificate of Occupancy because it is a change of occupancy classification;

Per IC 36-7-4-921 a commitment is binding on:

1. the owner of the parcel;
2. a subsequent owner of the parcel; and
3. a person who acquires an interest in the parcel; and

In the event that any of the aforementioned restrictions or requirements of the Richmond City are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Councilor Pappin moved to amend the Ordinance to amend Ordinance No. 37-2008 to include the commitments recommended by the Plan Commission, supported by Councilor Wissel. Upon a vote viva voce, the motion passed.

Council President Parker declared Ordinance No. 37-2008 on second reading and public hearing. Speaking in favor were Petitioners Richard and Kristine VanDyke, Jill Nelson, neighbor and Mary Walker of the Wayne County Tourism Bureau. There being no comments against the Ordinance, Councilor Wissel moved for engrossment of Ordinance No. 37-2008, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Councilor Elstro moved to advance Ordinance No. 37-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 37-2008 on third reading by title only.

Ordinance No. 37-2008 was adopted with an 8-0 roll call vote.

ORDINANCE NO. 39-2008 - A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (*Custom Woodworking - real estate*)

The Clerk read Ordinance No. 39-2008 on second reading by title only.

This Ordinance is a request of Custom Woodworking Solutions, Inc. for a ten-year tax abatement on real estate valued at \$25,000.

Councilor Wissel requested Ordinance No. 39-2008 be tabled until additional information is submitted by the Petitioner.

ORDINANCE NO. 40-2008 - A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (*Custom Woodworking - equipment*)

The Clerk read Ordinance No. 40-2008 on second reading by title only.

This Ordinance is a request of Custom Woodworking Solutions, Inc. for a ten-year tax abatement on manufacturing equipment valued at \$10,000.

Councilor Wissel requested Ordinance No. 40-2008 be tabled until additional information is submitted by the Petitioner.

ORDINANCES ON THIRD READING

None

CALL FOR ADJOURNMENT

There being no further business, on a motion duly made, seconded and passed, the meeting was adjourned.

S/S Larry Parker
Larry Parker, President

ATTEST: S/S Karen Chasteen
Karen Chasteen, City Clerk